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**UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA**

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UNITED STATES OF AMERICA,

Plaintiff,

vs.

DEMOND HAMMOND,

Defendant.

2:07-cr-240-GMN-PAL

**UNOPPOSED MOTION TO CONTINUE
DISCLOSURE OF THE SUPPLEMENTAL
PSR AND THE BRIEFING SCHEDULE**

AND ORDER

COMES NOW Daniel G. Bogden, United States Attorney, and PETER S. LEVITT, Assistant United States Attorney, counsel for the United States of America, and files this unopposed motion to continue the briefing schedule set forth in the Court's order of April 11, 2013. District Court Docket Number ("DC No.") 88.

Defense counsel Shari L. Kaufman, Assistant Federal Defender, advises there is no opposition to the contents of this motion.

As grounds for this motion, the Government states:

1. On March 2, 2009, this Court (Honorable Edward C. Reed, United States District Judge) sentenced Hammond to 130 months' imprisonment for offenses involving cocaine base ("crack"), under 21 U.S.C. 841(a). DC No. 77 (imposing below-guidelines sentence).

2. Hammond's projected release date is March 11, 2017. <http://www.bop.gov>.

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1 **3.** On November 1, 2011, Amendment 750 to the Sentencing Guidelines became
2 retroactively effective. Amendment 750 reduces the base offense level for certain crimes
3 involving crack under 18 U.S.C. § 3582(c)(2). *See* 18 U.S.C. § 3582(c)(2) (“[I]n the case of a
4 defendant who has been sentenced to a term of imprisonment based on a sentencing range that has
5 subsequently been lowered by the Sentencing Commission . . . upon motion of the defendant . . .
6 the court *may* reduce the term of imprisonment, after considering the factors set forth in section
7 3553(a) to the extent that they are applicable, if such a reduction is consistent with applicable
8 policy statements issued by the Sentencing Commission.”) (emphasis added).

9 **4.** On October 9, 2012, Hammond filed a *pro per* motion for a discretionary
10 sentence reduction under Amendment 750 and 18 U.S.C. 3582(c)(2). DC No. 80.

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12 **5.** On October 12, 2012, this case was assigned to the Honorable Gloria M. Navarro,
13 United States District Judge, for further disposition. DC No. 81.

14 **6.** On April 11, 2013, this Court ordered the Probation Office to prepare a
15 Supplemental Presentence Report (“S-PSR”) by April 30, 2013. DC No. 88. This Court also set a
16 status conference for July 1, 2013, and set forth a briefing schedule for disposition of Hammond’s
17 motion under Section 3582(c)(2), in the event the parties were unable to reach a resolution.

18 **7.** On April 26, 2013, the Probation Officer advised the undersigned that, because
19 Hammond was currently in transit, she (the Probation Officer) could not obtain his in-prison
20 Progress Reports and, therefore, could not prepare a complete S-PSR.

21 **8.** The undersigned thereafter spoke to Hammond’s attorney, who agreed that it is in
22 the best interests of her client to afford the Probation Officer additional time to obtain Hammond’s
23 in-prison Progress Report and thereafter prepare the S-PSR.

24 **9.** The parties therefore request that this Court enter an Order that: (a) vacates DC
25 No. 88; (b) orders that the S-PSR be filed by May 15, 2013; (c) orders that the briefing schedule
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1 be correspondingly adjusted to reflect the two-week continuance; and (d) resets the status
2 conference to July 15, 2013, or to a date that is convenient for this Court.

3 **10.** Denial of this request could result in a miscarriage of justice, taking
4 into account the exercise of due diligence.

5 **11.** This is the first request for continuance herein.

6 DATED this 29th day of April, 2013.

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8 DANIEL G. BOGDEN
United States Attorney

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10 /s/
PETER S. LEVITT
Assistant U.S. Attorney

11 **ORDER**

12 **HAVING READ** the foregoing Unopposed Motion of the parties, and good cause
13 appearing therefore,

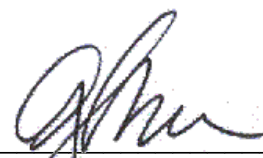
14 **IT IS HEREBY ORDERED** that the Probation Office shall have until **May 15,**
15 **2013**, to prepare and serve a Supplemental Presentence Report in accordance with this
Court's April 4, 2013 Order (ECF No. 84).

16 **IT IS FURTHER ORDERED** that the FPD shall have until **May 29, 2013**, to:
17 a) file a Supplement to the request for relief; or b) file a Notice of Agreed Resolution. If a
18 Notice of Agreed Resolution is filed, the parties shall have until **June 12, 2013** to file a
Stipulation.

19 **IT IS FURTHER ORDERED** that if a Supplement is filed, the USA shall have
20 until **June 26, 2013**, to file a Response, and the FPD shall have until **July 3, 2013**, to file a
21 Reply.

22 **IT IS FURTHER ORDERED** that the status conference currently set in this
23 matter for July 1, 2013 at 1:30 p.m. is hereby **VACATED** and rescheduled to **July 22, 2013**
24 **at 9:00 a.m. in LV Courtroom 7D** before the Honorable Gloria M. Navarro, United States
District Judge.

25 DATED this 29th day of April, 2013.

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Gloria M. Navarro
United States District Judge